

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

STEPHEN CUMMINSKY,

Plaintiff,

v.

UMASS CORRECTIONAL HEALTH CARE,
et al.,

Defendants.

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C.A. No. 14-12696-ADB

ORDER OF DISMISSAL

BURROUGHS, D.J.

Stephen Cumminsky was a named plaintiff in *Stote v. UMass Correctional Health Care*, C.A. No. 13-10267-NMG, a civil rights action filed by MCI Norfolk inmate John E. Stote in which he and over one hundred other prisoners claimed that medical care at MCI Norfolk was inadequate.

In an order dated June 25, 2014, the Court ordered that the claims of each plaintiff be severed and that a separate case be opened up for each individual plaintiff. *See id.* [Dkt. 20]. The order directed each plaintiff who wanted to prosecute his own claims to pay the \$400 filing fee or file an Application to Proceed in District Court Without Prepaying Fees or Costs within sixty days and that the failure to pay the fee or seek leave to proceed without payment of the fee may result in dismissal of the individual action without prejudice. The Clerk mailed a copy of Judge Gorton's order and the form Application to Cumminsky in June 2014.

The sixty-day period has expired without any response from Cumminsky. The documents the Clerk mailed to him were not returned as undeliverable. The Court therefore

assumes that the plaintiff received the documents previously sent to him and has chosen not to prosecute this action.

Accordingly, this action is DISMISSED WITHOUT PREJUDICE. No filing fee shall be assessed. This order is a final order of dismissal.

IT IS SO ORDERED.

6/12/2015
DATE

/s/ Allison D. Burroughs
UNITED STATES DISTRICT JUDGE